IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8475 of 2005

Between:

M. Sreenivaslulu, S/o. Lakshmanna,
R/o. D.No.18-296-M-1, Vinugopalnagar, Old Town, Ananthapur.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Ananthapur Depot, Anantapur.
2 The Divisional Manager, APSRTC, Anantapur Division, Ananthapur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No.02/95(25)/03-ATP dt: 28.3.2003 of the 1st respondent and Proceedings Number: PA/19(48)/05. DVM-A dt. 19.3.2005 of the 2nd respondent as illegal, arbitrary, in violation of principles of natural justice and in violation of Art. 14 and 21 of the constitution of India, and consequently direct the respondent to add one annual increments to the pay of the petitioner.

Counsel for the Petitioner:S.SURENDRA KUMAR

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as Conductor in the respondent-Corporation. While so, the petitioner was issued a charge sheet dated 15.02.2003 alleging certain cash and ticket irregularities. He submitted his explanation denying the charges levelled against him. The respondent, without conducting any enquiry, passed the final order on 28.03.2003 imposing the penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. Hence this writ petition.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding any enquiry.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. But, however, he is entitled for increments on notional calculation. No order as to costs.

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(K.C.BHANU,J)

Dt:19th April, 2005

usd

To

1 The Depot Manager, APSRTC, Ananthapur Depot, Anantapur.
2 The Divisional Manager, APSRTC, Anantapur Division, Ananthapur.

3 2 CD copies

4 1 CC to SURENDRA KUMAR

*Form-NIC-OGS/WP{**JGK**}*